

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2871 OF 2004

Savio Gomes	..Petitioner
Vs.	
The Municipal Commissioner of Greater Bombay & Ors.	..Respondents

Ms. Savita Suryavansi i/b. Mr. R.C. Dhuru for Petitioner	
Mrs. N.V. Sanglikar for Respondents	

**CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 13TH APRIL, 2005.**

P.C.

. Pursuant to the complaint filed by the Petitioners the Respondent Corporation demolished the construction on 3rd March, 2004. It is the case of the Petitioner that the construction is put up once again. It will not be possible to this Court to go on issuing directions to the Corporation, after it has complied with its mandatory duty. A duty also lies on the Petitioners to protect the property. This is purely a dispute between the brothers. It is open to the Petitioners to take out appropriate Petition or suit for demolition of the illegal construction as contended by the Petitioners with the Civil Court or any other appropriate Forum.

. With the above observations, Petition disposed of. No order as to costs.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)